

Judicial Districts, to whom was referred

S. B. No. 32, A bill to be entitled "An Act creating two additional district courts for Dallas County, defining their jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 127, A bill to be entitled "An Act to amend Section 1 of Chapter 8 of the General Laws passed at the Regular Session of the Thirty-fourth Legislature, reorganizing the Thirteenth Judicial District of Texas; providing for terms of court and the organization of juries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas.

Monday, January 22, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.

Turner.  
Watts.  
Witt.

Wood.  
Woods.

Absent—Excused.

Bailey.  
Dudley.  
Fairchild.  
Floyd.

Holbrook.  
Murphy.  
Parr.  
Wirtz.

Prayer by the chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with on motion of Senator Watts.

See Appendix for petitions and committee reports.

#### Excused.

Senator Murphy for today, on account of important business, on motion of Senator Lewis.

Senator Wirtz indefinitely, on account of illness, on motion of Senator Cousins.

Senator Holbrook indefinitely, on account of important business, on motion of Senator Witt.

Senator Clark for today, on account of important business, on motion of Senator Woods.

Senator Fairchild for today, on account of important business, on motion of Senator Cousins.

Senator Floyd for today, on account of illness, on motion of Senator Pollard.

Senator Bailey for today, on account of important business, on motion of Senator Thomas.

Senator Parr for today and the balance of this week, on account of important business, on motion of Senator Clark.

#### Bills and Resolutions.

By Senators McMillin and Watts:

S. B. No. 159, A bill to be entitled "An Act providing for the licensing of chiropractors; for registering license granted to and certain sworn statements required to be made by chiropractors, and providing for the duty of the County Clerk in reference thereto; providing for the introduction of certain records and certified copies thereof in evidence and the effect of such evidence; defining the practice of chiropractic; providing a penalty for practicing chiropractic in violation of the provisions of this

Act; providing for and creating a State Board of Chiropractic Examiners, its appointment, and defining the powers and duties of such board; providing for the qualification of its members, their term of office, the election of its officers, its meetings, and the keeping of certain records pertaining to its proceedings; providing for fees to be paid by applicants for license and by licensed chiropractors; the disposition to be made of such fees; the suspending of the licensee's license upon his failure to pay certain fees; providing for the subjects in which applicants for license shall be examined, those entitled to examination and the manner of conducting such examinations; providing for the granting of license to chiropractors now practicing chiropractic in this State, and providing reciprocity in the granting of license with other States; providing for the right to practice chiropractics in the State of Texas and the making of death certificates and other certificates; exempting certain persons from the provisions of this Act; providing for the refusing of license to practice chiropractic to certain classes of persons; providing for the jurisdiction, mode, manner and place of trial of those against whom proceedings are had for the purpose of revoking their license; defining the word 'board' as used in this Act; providing for the preservation of the several sections of this law, and declaring an emergency."

Read the first time and referred to Committee on Public Health.

By Senator Thomas:

S. B. No. 160, A bill to be entitled "An Act providing for the execution of convicts, condemned to death, by electrocution, prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; repealing certain statutes, and all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Doyle:

S. B. No. 161, A bill to be entitled "An Act to add Article 46311½ of the Revised Statutes of Texas to Chapter 4, Title 68, of the Revised Statutes of Texas, said Article to read as follows:"

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Doyle:

S. B. No. 162, A bill to be entitled "An Act providing that freight charges on carloads of coal delivered at any point within the State of Texas where railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based upon the actual weight of said coal; prescribing the manner of weighing such coal; prescribing that certificates of such weights shall be given and that no freight charges on said coal shall be due or payable until such certificates are given; providing a penalty for violation of any provision of this Act, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Strong:

S. B. No. 163, A bill to be entitled "An Act making it unlawful for the commissioners' court of any county to issue warrants, or other certificates of indebtedness, in any form to be paid at some future date, and promising and pledging the Road and Bridge Fund of the county for the final payment and redemption of said warrants, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woods:

S. B. No. 164, A bill to be entitled "An Act to amend Chapter 1, Title 29 of the Revised Civil Statutes of Texas of 1911 by adding thereto Articles 1459-a and 1459-b; providing for the auditing of the books, records, and accounts of district, county and precinct officers, agents, and employes and of institutions maintained by the county, and at public expense, or order of the county commissioners' court; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Watts:

S. B. No. 165, A bill to be entitled "An Act creating the Boyce Independent School District in Ellis County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all

the rights, powers, privileges, duties and liabilities now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Watts:

S. B. No. 166, A bill to be entitled "An Act to amend Article 1462, Chapter 2, Title 29, Revised Civil Statutes of 1911, as amended by Section 4, Chapter 134, Acts of the Thirty-fifth Legislature of 1917, providing qualifications for county auditors; also to amend Article 1463, Revised Civil Statutes of 1911, providing for bond of county auditors; also to amend Article 1497, Revised Civil Statutes of 1911 providing for removal of county auditors, and also by adding Subdivision thereto, providing that county auditors shall furnish certificates and other written information from the records, books and accounts kept in their office to the Commissioner of Insurance and Banking, or national or State bank examiners; and providing for removal from office and criminal prosecution for failure to furnish same; also to amend Chapter 25, Title 18 of the Penal Code by amending Article 1578 thereof so as to add Subdivision a, making it unlawful for any county auditor or assistant county auditor to wilfully furnish any certificate or other written information concerning or relating to public finances or moneys not based upon the official records, books or accounts in the office of the county auditor, and providing a penalty therefor; also to amend said Article 1578 of said chapter and title of the Penal Code by adding thereto Subdivision b, providing that it shall be unlawful for any bank official, or any servant, or agent, or employees of any bank to wilfully fail to furnish, or refuse or neglect to furnish to the county auditor of any county in this state, or any assistant county auditor, or any information concerning or relating to any public moneys or funds, or any moneys or funds over which the county auditor by law exercises the power of control, or supervision, or examination, and providing a penalty

therefor, and further amending said Article 1578 of the Penal Code by adding Subdivision c thereto, providing that it shall be unlawful for any bank official, or agent, or servant, or employee, to wilfully furnish in writing any false statement, or false certificate, or false information concerning or relating to any public moneys or funds on deposit with any bank, over which the county auditor by law exercises the power of control, or supervision, or examination, and providing a penalty therefor; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Burkett:

S. B. No. 167, A bill to be entitled "An Act creating and incorporating the Rochester Independent School District in Haskell County, Texas, and defining the boundaries thereof, providing for a board of trustees thereof, and providing for tax and bonded indebtedness."

Read first time and referred to Committee on Educational Affairs.

By Senator Burkett:

S. B. No. 168, A bill to be entitled "An Act requiring all secret organizations to make public a list of their membership by filing a printed or typewritten list of same with the county clerk of each and every county of the State of Texas, wherein such organization may maintain a local camp, lodge, or club of any character, and providing that said list shall be filed annually on the first day of each year, or within ten days thereafter, and that the same shall be open for the inspection of the general public, and for litigants and their attorneys having business pending before the courts of such county; providing penalties for the violation thereof, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 169, A bill to be entitled "An Act permitting building and loan associations organized under Chapter 33 of the First Called Session of the Thirty-third Legislature to use the word 'savings' in their corporate names and advertising."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 170, A bill to be entitled "An Act to provide for certain sani-

tary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty and providing for an emergency."

Read first time and referred to Committee on Public Health.

By Senator Witt:

S. B. No. 171, A bill to be entitled "An Act creating the West Independent School District in the county of McLennan, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the City of West and the old West Independent School District, as heretofore created, of the control of its public free schools, and the title of all property now held and used for free school purposes; and vesting the same in the West Independent School District as here created, and its board of trustees; and providing that all moneys now on hand or to be hereafter acquired for school purposes from the sale of bonds or otherwise be delivered by the City of West or the West Independent School District, as heretofore existing, unto the board of trustees of the West Independent School District, as here now created; and providing for the assessment and collection of taxes; and for the appointment and election by the board of trustees for a treasurer and other officers; granting power unto said board of trustees to issue bonds and providing for a sinking fund therefor; granting power unto said board of trustees to purchase school sites and to erect, furnish, equip and maintain school and school buildings within said district; and granting such other powers as are granted by general law to cities and towns incorporated for school purposes only; and providing for an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Stuart:

S. B. No. 172, A bill to be entitled "An Act requiring lying-in hospitals, wards in hospitals, maternity homes and other buildings, rooms and places owned, kept, conducted and operated for the reception, care and treatment of pregnant women, for compensation, to be provided with a proper operating room to be kept in sanitary condition and properly equipped with surgical instruments and appliances; prohibit-

ing the State Board of Health from issuing a license to keep, conduct, or manage such institutions which shall not have and keep in condition for use such operating room and equipment, and empowering the State Board of Health to inquire into and determine whether or not applicants for such license have provided their respective places with such operating room and equipment; making it a misdemeanor to keep, be concerned in keeping, or aid, assist or abet in keeping such hospitals, maternity homes, and similar places and institutions which are not provided with such operating room, or without the operating room thereof being kept in proper condition and supplied with proper surgical instruments, appliances, and equipments and fixing the punishment therefor; making it a misdemeanor for any person to solicit or receive money or property for receiving or adopting any illegitimate child, and fixing the punishment therefor; authorizing the State Board of Health to issue to persons of good character and of lawful age a license to solicit funds for the maintenance of homes and places for the care of infants born in maternity homes, lying-in hospitals and other similar places; making it a misdemeanor for any person to solicit funds for said purpose without having first obtained license so to do, and fixing the punishment therefor and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Strong:

S. B. No. 173, A bill to be entitled "An Act to permit the manufacture of gasoline, carbon black, or other products from natural gas produced within 25 miles of the boundary line of an adjoining State in which the manufacture of gasoline, carbon black, or other products from natural gas is not prohibited by law; providing that neither the Railroad Commission or any officer or board acting under authority from the State of Texas shall have the power to interfere therewith, and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufacturers.

By Senator Rogers:

S. B. No. 174, A bill to be entitled "An Act providing that freight charges on car loads of coal delivered at any point within the State of Texas where

railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based upon the actual weight of said coal; prescribing the manner of weighing said coal; prescribing that certificates of such weights shall be given, and that no freight charges on said coal shall be due or payable until such certificates are given, providing a penalty for violation of any provisions of this Act, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence

#### Joint Resolutions.

By Senator Burkett, et al:

S. J. R. No. 4, A resolution to be entitled

"A Joint Resolution relating to the amendment of Article XV, Section 11, of the Constitution of the State of Texas, with reference to the prohibition of usurious interest and fixing the legal rate of interest that may be charged at not exceeding eight per cent per annum."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Burkett et al:

S. J. R. No. 5, A joint resolution to be entitled

"A Joint Resolution relating to the amending of the Constitution of the State of Texas, abolishing the office of County Treasurer, and devolving the duties of said office upon the County Depository."

Read first time and referred to Committee on Constitutional Amendments.

By Senator Burkett:

S. J. R. No. 6, A resolution to be entitled

"A Joint Resolution proposing an amendment to Section 1, Article 8, of the Constitution of the State of Texas, providing for a graduated land tax and exempting homestead improvements of less than \$2500 in value from taxation."

Read first time and referred to Committee on Constitutional Amendments.

#### Message from the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the

Governor, which was read to the Senate, as follows:

Governor's Office,

Austin, Texas, January 22, 1923.

To the Senate and House of the Thirty-eighth Legislature.

In keeping with my statement when I addressed the joint meeting of the Senate and House some days ago, I now make to you a report concerning the work of the State Text Book Commission for the past two years. In order to provide the children of Texas with free text books from which, by proper direction, they would glean the fundamentals of education to guide them through life, the citizens of this State, in the year 1918, adopted the following amendment to our Constitution:

"Providing for the levy of a specific school tax for the maintenance of the public schools of the State and to provide free text books in the public schools of the State of Texas."

The object of this amendment, as it clearly appears on its face, was to furnish free text books to the school children and to levy a special tax for the purpose of securing the necessary funds therefor. For this purpose a special ad valorem tax of 15 cents on each one hundred dollars valuation of property was levied. It was directed that any residue of the fund so created which was not necessary to be used for the purchase of books for the children, should remain to the credit of the available school fund. It is grossly erroneous to say either directly or by implication that the funds necessary to supply text books and used for said purpose are diverted from their intended and original purpose. Acting upon this constitutional mandate of the people, the Legislature enacted what is known as the Free Text Book Law, in order that the children might be supplied with free text books. Intent upon safe guarding the interests of the State and with a view of giving the school children the best books possible, the Legislature provided that the primary administration of the Free Text Book Law should be in the hands of the leading educators of the State. Therefore, the President of the University of Texas, the President of the A. & M. College, the President of the College of Industrial Arts, the President of the Southwest Texas State Normal College, and the State Superintendent of Public Education, were as a board, directed

to select and name those who were, in their judgment, best fitted and qualified as educators to examine, select, and purchase the text books pre-eminently essential and best suited to the education of the children of the State.

#### The Personnel of the Present Text Book Commission.

Through the wisdom of the above named heads of Texas higher educational institutions, the following teachers were by them nominated and later named by the Governor, as provided by law, as constituting the Text Book Commission for the years 1921 and 1922, namely:

H. D. Fillers, Superintendent of Schools of Corsicana.

Ed R. Bentley, Superintendent of Schools of McAllen.

L. E. Dudley, Principal of the High School of Abilene.

Bonner Frizzell, Superintendent of Schools of Palestine.

O. A. Fleming, Superintendent of Schools of Freeport.

Wesa Weddington, Teacher in the High School of Bryan.

Elizabeth Nixon, Teacher in the Schools of Amarillo.

Paula Henry, Teacher in the Schools of Marshall.

The Governor is by law an ex-officio member of the Commission and is designated in the law as Chairman. The law also makes the Superintendent of Public Education an ex-officio member of the Commission. Miss Blanton as the Superintendent was disqualified as a member of the Commission because she was the author of two text books. The law provides that the Governor shall fill by appointment all vacancies. To fill the place made vacant by the disqualification of Miss Blanton I appointed, at her suggestion, Miss Catherine Gray of the Department of Education. She declined to serve, and at the further suggestion of Miss Blanton, I named Miss Elizabeth Nixon of Amarillo as a member of the Commission, Miss Nixon being on the list of teachers presented to me for appointment by the heads of the institutions of learning herein above mentioned.

#### The Commission's First Session.

The Commission thus organized had its first session in the fall of 1921. At that time there was in

use as free text books purchased by the Text Book Commission that preceded the present Commission, 123 separate volumes. These 123 books constituted the free text book list for use in the public schools that had been purchased by previous Text Book Commissions at a cost of \$3,594,778.90. The present Commission at its first meeting in 1921 was required under the law to either renew old contracts or make new contracts for purchase and use of six text books. The Commission had at its disposal for the purpose of buying new books, approximately \$4,000,000. The Commission at this meeting renewed all the contracts except one and that was a small contract that took only \$67,000 out of the available \$4,000,000. The remaining \$3,933,000 was left, as provided by law, in the available school fund. Among the expiring contracts at this meeting, were the two contracts in regard to the purchase of arithmetics and geographies. The Commission renewed each of these contracts for one year. No one on the Commission, however, at that time was willing to renew the contracts on either the geography or the arithmetics for a longer term than one year. The consensus of opinion being as expressed by the members of the Commission, that the children of the State were entitled to better arithmetics and better geographies than those at that time in use, but wanted to retain them for another year, as they had been used as free text books only three years and as a matter of economy the Commission voted that those books should be used by the State another year.

#### The Second Meeting of the Present Commission.

The Commission had its second and last meeting in December, 1922. At this meeting the Commission had to either renew old contracts or make new contracts for sixteen text books, which number included the expiring contracts made at the previous meeting of the Commission for the purchase of arithmetics and geographies. The Commission had again at its disposal for the purchase of books approximately \$4,000,000. It renewed eight of the contracts and made eight new contracts for the purchase of new and different books.

Of the eight new contracts made, three required an expenditure of approximately one million dollars. The five other changes, mostly supplementary readers, are at prices of only slight variance from those of renewal contracts; and since quantity of purchase of volumes of these five changes depends on the option left to teachers in Texas schools where free text books are used, it is impossible at this time to estimate the expenditure which will be necessary. I desire, however, as a matter of information, to make a detailed and specific report to the Legislature of all facts in my possession concerning the three text book changes which required such a large expenditure, without an argument as to the merits or demerits of the books designated to be purchased under the new contracts requiring the sum of approximately \$1,000,000.

#### Text Book on Agriculture.

For some years there has been taught in the public schools of the State a book on Agriculture at the cost of 85 cents per volume. This contract could have been renewed at the same price for any reasonable term of years. The Commission made a new contract for six years for a work on Agriculture prepared by E. J. Kyle, Dean of Agriculture of the Texas A. & M. College, and his associated colleagues of that institution and Dr. A. C. Ellis and his associated colleagues of the University of Texas. It was contended by the Commission that the authors of the new book dealt exclusively with Texas soil, Texas climate, Texas farm and ranch life, Texas problems, Texas homes, and Texas people; that the book was strictly a Texas book for Texas children. The old text, it was pointed out as a matter of illustration, has only three and one-half pages and three illustrations dealing with the sheep and goat industry. The newly adopted text has 19 pages and 22 illustrations on this important Texas subject. The old text has only 27 pages and 25 illustrations devoted to the cattle industry. The new text has 55 pages and 30 illustrations on this subject. The old text does not have a single illustration from the work of our A. & M. College and experimental stations, but takes them mainly from work done by northern

and eastern institutions, where climatic and other conditions are very different from what they are in Texas. The new text takes a large part of its concrete examples and pictorial illustrations from Texas farms and ranches, and from the scientific studies made in the Texas A. & M. College and other Texas institutions.

Seven of the eight teachers who composed the Commission, who had taught the old text, voted for this change. I did not vote for reasons hereinafter stated. The exchange price, that is, where one of the books now in use is exchanged for a new book, is ninety cents per volume; without exchange, \$1.10 per volume. The five cents or the twenty-five cents extra cost per volume was not the only thing, perhaps, that the Commission had in mind in making the change. The Commission was of the opinion, so they said, that the children of Texas were entitled to the best book, on Agricultural and country problems, available.

#### Third Grade Geography.

The Commission purchased for the small children of the State, a third grade geography. This was an outright new purchase. The question of the renewal of an old contract was not connected with this purchase. The Commission was of the opinion, as I recall their discussion when this matter was up for consideration, that a primary geography should be bought for the small children, those not sufficiently advanced to study the advanced geographies such as had been for years used in our public schools. They pay for this third grade geography sixty-six and four-fifths cents per volume after deductions as provided by law and as hereafter explained. All eight of the teachers on the Commission voted for the purchase of this book. They made the contract for six years. As to whether or not the school children of the State needed this book is a matter of individual opinion. Not being a teacher, or familiar with the schoolroom, I was not in position to know the importance of buying this geography.

#### A New Contract Made for Arithmetics.

One of the largest and most expensive contracts made by the last Commission was in regard to the contract made for the purchase of arithmetics. As heretofore stated, the contract

for arithmetics had been extended by the Commission at its first meeting for one year. It was therefore up for consideration again at its second meeting.

The arithmetics in use consisted of two volumes. The old books could have been purchased at a price of fifty-three cents per volume for book one and eighty-six cents per volume series had been used by Texas as free text books four years. Seventy-seven and one-quarter per cent, or 789,202 volumes, of the arithmetics in use under the old contract had been purchased and had been used for four years. It is generally conceded by educators, that when a child uses a book four years it is about worn out. Some teachers claim that three years is the life of a book and others claim five years is the life of a book. Four years seem to be the conservative estimate. Seventy-seven and one-quarter per cent, therefore, of the children of the State would have required a new book purchased for them for this coming year. The Commission compared the cost to the State for supplying each child with a new copy of the old book now in use, with the cost for supplying each child with a copy of a new but different arithmetic from the one which had been for four years in use. The arithmetic in use consists of two volumes. The old arithmetic above quoted at a price of fifty-three cents per volume minus deductions as provided by law and herein explained, was used in the third and fourth grades. The other volume, which was used in the fifth, sixth, and seventh grades, was bought at eighty-six cents per book, less deductions. The new series of arithmetics consists of three volumes. The volume used for the third and fourth grades was contracted for at sixty cents per book; this book, however, costs the State only, after deducting the four cents exchange allowance provided for in the contract, and the ten per cent rebate and one per cent gross receipts tax, each provided for by law, forty-nine and nine-tenths cents per book. This is the actual net price paid by the State for each book purchased. The arithmetics used in the fifth and sixth grades, after the reductions as above stated, costs the State fifty-seven cents per book, and the one used in the seventh grade, after reductions, costs the State sixty and three-fifths cents per book.

There are enrolled in the third, fourth, fifth, sixth and seventh grades of our public schools, 622,053 students. If the life of a book, as used in our public schools, is four years and seventy-seven and one-fourth per cent of the arithmetics had already been used four years the remaining per cent mostly from two to three years which would necessarily have necessitated the purchase of a new book under the old contract for almost every student, the cost of purchasing these books under the old contract, if renewed, would have aggregated, after reductions as provided by law, \$390,991.64. To purchase a new arithmetic under the new contract as made by the Commission for these said grades, is \$325,616.99. This is a saving to the State of Texas by the purchase of a new series of arithmetics of \$65,374.65. The number of students in the respective grades as above given, was compiled by the Department of Education. The price per volume under the old contract and the new, is a matter of official record. The calculation is merely a mechanical process. I present the conclusion reached by the Commission that, other things being equal, a three-series book is cheaper than a two-series.

In regard to the adoption of the arithmetic, I desire to say that after the representatives of the various book companies had presented the merits of their respective arithmetics, the Commission had an informal executive session to discuss the merits and demerits of the several arithmetics. A number of unofficial votes were taken by the eight teachers on the Board as to what book they should select. Not one book could get six votes, the required number necessary to make a selection. The records show that only two out of the eight teachers composing the Commission were for the arithmetic that had been under contract in use for four years. The other six members claimed a change of some kind should be made. It was up to the Commission either to renew the old contract or make a new one. It was necessary to make a purchase of arithmetics for the coming year. After the matter had been considered at this meeting for some time and it was impossible to get six votes for any one book, I stated, as Chairman, that I would vote for any arithmetic that could muster five votes on the Commission. In this voting it devel-



oped that one of the new books had five votes. I promised to join these five votes on the Commission when the official ballot was taken. The official written ballot was then ordered on the selection of an arithmetic and the arithmetic that had the promise of six votes in the round table discussion, including mine, on final ballot received seven votes. The books were adopted and contract was made for six years. Now as to whether or not the Commission should have made the contract for this book or whether they should have renewed the contract for the old book, or should have selected some other book is a matter about which there are necessarily various opinions. These facts I present for your consideration.

#### Contract for Geographies.

In regard to the selection of a geography, the following record from the minutes of the Commission is presented as follows:

"A motion was made by Mr. Bentley and seconded by Mr. Dudley that the Commission take up the matter of adopting a geography according to the original bids. Motion carried. The subject of Geography was discussed and the representatives invited in to hear the result of the votes.

#### First Ballot.

E. Nixon—Brigham McFarlane Essentials.  
Paula Henry—Brigham McFarlane.  
O. A. Fleming—Human Geography.  
H. D. Fillers—McMurry Parkins.  
Wesa Weddington—Tarr McMurry.  
L. E. Dudley—Brigham McFarlane.  
Bonner Frizzell—Tarr McMurry, one year.

Ed. R. Bentley—Essentials of Geography, Brigham McFarlane, Gradual Introduction.

#### Second Ballot.

E. R. Bentley—Brigham McFarlane Gradual Introduction.  
L. E. Dudley—Brigham McFarlane.  
O. A. Fleming—Human Geography.  
E. Nixon—Brigham McFarlane.  
Wesa Weddington—Tarr McMurry.  
H. D. Fillers—McMurry Parkins.  
Bonner Frizzell—Tarr McMurry, one year.

Paula Henry—Brigham McFarlane.

#### Third Ballot.

H. D. Fillers—McMurry Parkins,

Upper Book; Human Geography, Lower Book.

Bonner Frizzell—Tarr McMurry, one year.

L. E. Dudley—Brigham McFarlane.  
O. A. Fleming—Brigham McFarlane Gradual Introduction.

Ed. R. Bentley—Brigham McFarlane Gradual Introduction.

Paula Henry—Brigham McFarlane.

Wesa Weddington—Tarr McMurry.

E. Nixon—Brigham McFarlane.

#### Fourth Ballot.

Bonner Frizzell—Tarr McMurry, one year.

H. D. Fillers—Human Geography, Lower Book; McMurry Parkins, Upper Book.

Wesa Weddington—Tarr McMurry.

Paula Henry—Brigham McFarlane.

L. E. Dudley—Brigham McFarlane Gradual Introduction.

O. A. Fleming—Brigham McFarlane Gradual Introduction.

Ed. R. Bentley—Brigham McFarlane Gradual Introduction.

E. Nixon—Brigham McFarlane.

#### Fifth Ballot.

E. Nixon—Brigham McFarlane.

Wesa Weddington—Tarr McMurry, one year.

Paula Henry—Brigham McFarlane.

O. A. Fleming—Brigham McFarlane Gradual introduction.

Ed. R. Bentley—Brigham McFarlane Gradual introduction.

L. E. Dudley—Brigham McFarlane Gradual introduction.

Bonner Frizzell—Tarr McMurry, one year.

H. D. Fillers—Human Geography, Lower Book; McMurry Parkins, Upper Book.

After the conclusion of five ballots without a majority of six votes for any one book a motion was made by Mr. Dudley that the Commission have an executive session, Mr. Fillers stating his reason for moving that the Commission have an executive session was that they might consider a comprehensive vote on the Geography; that he was personally willing to vote for a re-adoption of Tarr & McMurry for one year or for a split with McMurry-Parkins and Smith, or with McMurry-Parkins and Brigham & McFarlane, or with Smith and Brigham and McFarlane. Motion carried and the representatives were excused from the room.

A motion was made by Mr. Frizzell to adjourn to 8 o'clock p. m. stating

that he considered the adoption of geography one of the most important questions that had been before the Commission and that same required some discussion, that the facts should be analyzed before taking a final vote on the matter. He stated that the price of the books being adopted by the Commission were much higher than those in use. He pointed out that the Brigham McFarlane was priced much higher than the Tarr McMurry book and that in view of the fact that the State had a large supply of these on hand it would considerably increase the expenses of the State on the subject of Geography by adopting the Brigham McFarlane book. The motion lost for want of a second.

The Governor stated that he did not wish to vote for any book and that he would not vote except in case of a tie or in order to make a selection. He asked Miss Weddington if there was a possibility of her making a change in her vote and she said there was not. He asked Mr. Frizzell if he would consider compromising with any other five people on any one book and he said he would not change his vote from Tarr McMurry. He in turn asked Mr. Fillers if there was a possibility of his changing his vote and he replied that there was not. The representatives were again invited into the Commission room and the following vote taken.

#### Sixth Ballot.

H. D. Fillers—Human Geography Book One. Brigham McFarlane Book Two.

Bonner Frizzell—Tarr McMurry, one year.

E. Nixon—Human Geography, Book One, Brigham McFarlane, Book Two.

Ed. R. Bentley—Human Geography, Fourth Brigham McFarlane, 5, 6, 7.

Wesa Weddington—Tarr McMurry.

Paula Henry—Brigham McFarlane.

O. A. Fleming—Human Geography Book 1, Brigham McFarlane, Book 2.

L. E. Dudley—Human Geography, Book 1, Brigham McFarlane Book 2.

#### Seventh Ballot.

L. E. Dudley—Tarr McMurry, One year.

Wesa Weddington—Tarr McMurry.

Paula Henry—Brigham McFarlane.

E. Nixon—Brigham McFarlane.

Bonner Frizzell—Tarr McMurry One year.

H. D. Fillers—Human Geography Book 1, Brigham McFarlane Book 2.

O. A. Fleming—Human Geography, Book 1, Brigham McFarlane, Book 2.

Pat. M. Neff—Brigham McFarlane, Gradual Introduction.

E. R. Bentley—Brigham McFarlane, 5, 6, 7; McMurry Parkins fourth.

#### Eighth Ballot.

Bonner Frizzell—Tarr McMurry, One year.

O. A. Fleming—Brigham McFarlane Gradual Introduction.

Paula Henry—Brigham McFarlane.

Wesa Weddington—Tarr McMurry.

L. E. Dudley—Brigham McFarlane.

Ed. R. Bentley—Brigham McFarlane Gradual Introduction.

Pat M. Neff—Brigham McFarlane Gradual Introduction.

H. D. Fillers—Brigham McFarlane, Book 2, Human Geography, Book 1.

E. Nixon—Human Geography, Book 1, Brigham McFarlane, Book 2.

#### Ninth Ballot.

Wesa Weddington—Tarr McMurry.

Bonner Frizzell—Tarr McMurry.

H. D. Fillers—Human Geography.

O. A. Fleming—Brigham McFarlane.

L. E. Dudley—Brigham McFarlane.

Ed. R. Bentley—Brigham McFarlane Gradual Introduction.

Pat M. Neff—Brigham McFarlane Gradual Introduction.

Paula Henry—Brigham McFarlane Gradual Introduction.

E. Nixon—Brigham McFarlane Gradual Introduction.

There being six votes for the Brigham McFarlane book it was adopted by the Commission. A motion was made by Mr. Bentley and seconded by Miss Nixon that the adoption be for six years. Mr. Frizzell amended the motion to the effect that the adoption of geography be for a period of five years. Mr. Dudley seconded the amendment. Five people were in favor of the amendment, three for the motion. Amendment carried. The Commission adjourned to meet at 9 o'clock."

The above extracts from the minutes speak for themselves as to how the geographies were selected.

### Book Purchases Made With Five-Year Period in View.

In considering the initial cost to the State not only in the purchase of the geographies, but in regard to all the changes made, it will cost the State during the next year, approximately \$1,400,000 for new text books. It should be remembered, however, that in supplying the 1,000,000 school children with all the necessary school books the State has undertaken a tremendous task and one that necessarily entails a vast expenditure of money whether new books be supplied or the old ones retained, for necessarily the old books must be replaced as they wear out and become discarded. In considering the financing of such a gigantic program as the State book bill presents, one should not take a short-sighted view. It is not only a question of what the cost of our books will be for one year, but what is the aspect of the program when we view it in the light of several years to come.

By constitutional enactment, the people of Texas are placing the responsibility upon the State to furnish free text books to the school children not only for next year, but for all the years to come. At least until the fundamental law of the land is changed. Therefore, studying the program of the furnishing of free text books, we must think of it not only as for one year but study it in the light of the future. Assuming that a school book will last a child five years which would be conceded as the maximum, it then appears that the State will be compelled within a period of five years from now to replace every book which is now in use, even if all of the books now in use were new. Take for example the old geographies for the next five years upon the present contract price and the present scholastic census. See what kind of an investment the State has in this particular book. The present contract price on old geographies is eighty-five cents for volume one which is used in the fourth and fifth grades, and \$1.25 for volume two which is used in the sixth and seventh grades. The latest scholastic census shows 140,323 pupils in the fourth grade; 124,636 pupils in the fifth grade; 109,253 in the sixth grade and 96,824 in the seventh grade. Then by

simple mathematical calculation we see that the cost to the State for a period of five years would necessarily be, after reduction as provided by law, not less than \$430,184.90 in order to supply our school children with the old geographies. Allowing \$1.33 as the price of volume one of the new geographies, which will be used in the fourth and fifth grades, and \$1.87 as the price for volume two of the new geographies, which will be used in the sixth and seventh grades and assume the life of the new books to be five years and taking the present scholastic census as the basis of calculation, we see that the expense to the State for a period of five years would not exceed, after legal deductions \$608,029.81 in order to supply our school children with the new geographies. By dividing the difference between the total cost of the old books for five years, and the total cost of the new books for five years, we find the additional cost to the State of the new geographies will be \$35,568.97 per year more than the cost of the old geographies. Therefore, when we take a far sighted view into comparative costs, we see that the estimated cost of approximately \$608,000 for the change in geographies alone is less in reality than \$36,000 per year. For this additional expenditure 471,036 Texas boys and girls will have the benefits during the coming five years of a geography which was, and is, in the opinion of the eight teachers on the Text Book Commission, the best geography that was offered to the Commission for their consideration. I feel safe in making this statement for the reason that those who did not vote for the geography under the new contract did not hesitate to express themselves in favor of it but did not feel inclined to vote for it for financial and other reasons which they frankly stated to the Commission. The selection of a new geography in preference to the re-contracting for the old geography places an additional expenditure of seven and one-half cents a year for each pupil in the State who uses the geography. It was contended by the teachers who favored the selection of this new book that the old book had been in use in the public schools for ten years, that Texas had purchased it under contract for four years as a free text book and that dur-

ing the life of the geography many a national boundary line had been changed and that the tables of production and population as presented in the old geography had become antiquated and inaccurate and that the selection of a new geography was a necessity. As a layman, I felt at all times a hesitancy in contending that the teachers selected to compose the Text Book Commission were wrong in their contentions as to the respective merits or demerits of a set of books such as constitute either the old or the new arithmetics and geographies. One must necessarily study these books in the schoolroom and observe from year to year their inaccuracies, if any there be, in connection with presenting the work as a teacher to the pupils. In studying the free school book problem, we should not overlook the fact that the State is to keep on supplying the school children with books and when we take into consideration the fact that all books now in use will have to be replaced within a period of five years on account of natural wear and tear, it clearly appears that the difference in expense to the State for its book bill over a period of five years is primarily the difference between the contract price of the old series and the contract price of the new series. While the State is this year spending \$1,400,000 for new books, this investment is not made for one year, but for a period of years. Sometimes it is hard to know whether you should spend a dollar and have an old pair of shoes half soled and wear them two months longer, or whether you should spend \$10 for a new pair of shoes and wear them eighteen months or more. So the Commission in passing on the purchase of arithmetics and geographies was called on to decide whether or not it would be better to discard the old books that had been used for years, or purchase a new set. As to whether or not the Commission used good judgment is a matter on which there are, of course, various opinions. It was first voted that these books should be exchanged gradually—that is, that the new books should at first be made to take the place of the old books and that all the old books should be used as long as they were serviceable. The Superintendent-elect of Public Education advised us, however, that, as

a practical proposition under the present law, this could not be done.

As a matter of information, your attention is called to the fact that no money is to be paid out for these books from present available school funds, as no money on these contracts will be paid out until after the beginning of the next fiscal year, September 1st, 1923. While a large sum of money will be paid out in the fall of this year for new books, the investment is made for a number of years.

It is proper to here record that each contract made had, as to form and legality, the endorsement of the Superintendent of Public Education and the Attorney General of Texas.

#### Conclusion.

As ex-officio member and Chairman of the Text Book Commission, I am not required, nor is the Commission required, to make any report to the Legislature. The Commission has vested in it by law the discretionary authority to examine, select, and make contracts for all the free text books used by the children of Texas. Knowing, however, the interest you feel in the educational affairs of the State, and as a matter of general information, I thought proper to present to you whatever facts I had in my possession as to the work of the Commission for the years 1921 and 1922. In submitting this report, certain questions naturally arise which are passed to you for your legislative consideration:

First: Is the present method of selecting those who compose the Text Book Commission the wisest and best way to name those who are thus to serve?

Second: After a book has been contracted for as a free text book, should the State at any time thereafter make a selection of another and different series of books to take the place of the ones first contracted for?

Third: If it is thought wise to change at any time from one set of books to another, should the new books be all put in at once, or should the new books be gradually introduced; that is, should the new books be put in place of the old ones as they wear out?

Fourth: Is the present law in regard to the submission of bids for the furnishing of books to the State the best method that can be pursued with a

view of making the best contract possible for the State?

Fifth: Did the present Text Book Commission follow the law in the adoption of the new books selected by them and in the renewal of the contracts for the old books?

Sixth: Did the Text Book Commission do violence to the discretionary power invested in them by the law in making the changes they did make at either or both of the sessions held by said Commission?

Seventh: Should any of the special fund raised under the constitutional amendment providing for money with which to purchase free school books be used at any time for the purchase of any new set of books to take the place of the books previously contracted for by the State?

Eighth: Should the law be changed so that the Text Book Commission would meet only every two years, said biennial meeting to be held a short time prior to the convening of the Legislature, so that the Legislature could review the Commission's contemplated purchases of free text books and pass on the wisdom of the Commission's selections?

Ninth: Is the State purchasing too many text books, or too many supplemental readers, for free use by the children of the State?

Tenth: Should the Text Book Commission be permitted to make contracts for the purchase of books for only one or two years, or should the Commission, when they make a contract, be required to make it for not less than five years?

Eleventh: Should the Governor of Texas, present or future, who may or may not be a school man, who may or may not have time to study the several hundred books presented at each meeting of the Commission, be made as a matter of law an ex-officio member of this Text Book Commission, for the study, selection, and purchase of free text books that necessarily involves, whether old contracts are renewed or new contracts are made, the expenditure of vast sums of money, when by so serving he is greatly crippled in his real duties of Governor by the stigma and unfavorable criticisms that always attach to his name in regard to the purchase of books, irrespective of what he may or may not do as a member of said Commission?

#### Confidence in Board.

I would be untrue to my natural impulses if I closed this report to your honorable body without expressing my full faith and confidence, individually and collectively, in the present Text Book Commission. They may not have done as you or I would have done; they may not at all times have pursued the wisest course, but it is my firm conviction that they were at all times honest, sincere, and true as to the trust reposed in them.

If I can be of any assistance to the Legislature in furnishing any additional facts or information in my possession not included herein, please advise me. I shall hold myself at all times subject to your command.

Respectfully submitted,  
PAT M. NEFF, Governor.

#### Senate Bill No. 138 Recommitted.

On motion of Senator Burkett, S. B. No. 138 reported by the Committee on Civil Jurisprudence, was re-committed to that committee.

#### House Concurrent Resolution No. 6.

The Chair laid before the Senate House Concurrent Resolution No. 6, providing for investigation of the various State departments, with a view of ascertaining the number of employees, etc.

The resolution was read.

On motion of Senator Wood, the resolution was referred to the Committee on State Institutions and Departments.

#### Senate Bill No. 72 on Engrossment.

The Chair laid before the Senate as pending business on passage to engrossment, S. B. No. 72, relating to errors in appeal cases.

The bill was passed to engrossment.

#### Senate Bill No. 85 on Final Passage.

The Chair laid before the Senate as regular order, on final passage, S. B. No. 85, relating to estates of minors, which was read third time and passed on January 18, and a motion to reconsider the vote by which the bill passed, was adopted.

Senator Bledsoe offered the following amendment to the bill:

Amend Senate Bill No. 85, line 32, as printed, by striking out of said line the words "real or."

Senator Baugh moved to table the amendment and the motion to table was lost.

Question then recurring on the amendment, it was adopted by the following vote:

**Yeas 15.**

Bledsoe.	Rogers.
Bowers.	Stuart.
Burkett.	Thomas.
Davis.	Turner.
Lewis.	Watts.
McMillin.	Wood.
Pollard.	Woods.
Ridgeway.	

**Nays 6.**

Baugh.	Rice.
Cousins.	Strong.
Doyle.	Witt.

**Absent.**

Darwin.

**Absent—Excused.**

Bailey.	Holbrook.
Clark.	Murphy.
Dudley.	Parr.
Fairchild.	Wirtz.
Floyd.	

The bill was finally passed.

**S. B. No. 62 on Second Reading.**

The Chair laid before the Senate, as regular order, on second reading,

S. B. No. 62, A bill to be entitled "An Act to amend Title 66, Chapter 3, Revised Statutes of 1911, by adding thereto Article 4592a, defining selfrising flour, and the ingredients thereof, prescribing the weight of available carbon dioxide gas, and the percentage of chemical leavening ingredients, providing that the package or container in which it is sold shall be labeled in plain letters in the English language, stating the percentage by weight of each of the acid ingredients, fixing a penalty and declaring an emergency."

The bill was read second time, and on motion of Senator Wood, was laid on the table subject to call.

**S. B. No. 93 on Second Reading.**

The Chair laid before the Senate, as regular order, on second reading,

S. B. No. 93, A bill to be entitled "An Act to create the—Judicial District and providing the time and fixing the terms of holding the district courts in the counties comprising said—Judicial District of Texas, and to conform all writs and process issued from the District Courts of the Seventy-ninth Judicial District therewith, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of courts in said district as herein fixed; and to validate the summoning of grand and petit jurors, all such process, recognizances and bonds as were issued, taken or approved in or by the Seventy-ninth Judicial District and making same returnable and enforceable in the courts and at the terms of courts created by this Act; and repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and on motion of Senator Darwin, was laid on the table subject to call.

**S. B. No. 92 on Second Reading.**

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature passed and approved Feb. 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, ap-

proved August 14, 1921, and repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and on motion of Senator Darwin, was laid on the table subject to call.

#### **S. B. No. 43 on Second Reading.**

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 43, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency."

The bill was read second time, and on motion of Senator Bowers the bill was laid on the table subject to call.

#### **S. B. No. 99 on Second Reading.**

The Chair laid before the Senate, as regular order, on second reading,

S. B. No. 99, A bill to be entitled "An Act to validate, ratify and confirm unto Michael B. Menard, his heirs and assigns the title to the Michael B. Menard one league survey of land located in San Jacinto County, Texas, as described in the field notes thereof made by Arthur Henrie, Surveyor, on the 2nd day of June, 1835, and now on file in the General Land Office of the State of Texas, and as delineated on the official land map of the General Land Office of the State for lands located in said San Jacinto County, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### **S. B. No. 85 on Final Passage.**

On motion of Senator Stuart, the vote by which S. B. No. 85 was on this day passed, was reconsidered.

Senator Stuart offered the following amendment to the bill:

Amend S. B. No. 85, by inserting after the word "of" in line 31, the words, "personal property of."

The amendment was adopted by unanimous consent.

The bill was then finally passed.

#### **S. B. No. 82 on Second Reading.**

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 82, A bill to be entitled "An Act to amend Articles 656 and 657 of the Code of Criminal Procedure of the State of Texas, 1911, in regard to special venires in capital cases."

The bill was read second time and on motion of Senator Wood, was laid on the table subject to call.

#### **S. J. R. No. 3 on Second Reading.**

The Chair laid before the Senate as regular order, on second reading,

S. J. R. No. 3, A joint resolution "Submitting to the people a proposed amendment to Sections 2, 5, 6, 7, 24, 26 and 28, Article 3 of the Constitution of the State of Texas governing the number of members composing the Senate and House of Representatives of Texas; fixing the time of meeting of the Legislature of the State of Texas; prescribing the qualifications of members of the Senate and House of Representatives of the State of Texas prescribing the mileage and per diem of the members of the Senate and House of Representatives, and also making provision for determination of the district for Senators and Representatives in the State Legislature."

The resolution was read second time, and on motion of Senator Baugh, was laid on the table subject to call.

#### **S. B. No. 122 on Second Reading.**

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 122, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant County and to empower the Commissioners' Court thereof to provide rules and regulations therefor, and a system for the construction of such roads and bridges, the maintenance and repair

therefor, and to condemn private property for such purposes, to constitute each County Commissioner ex-officio Commissioner of the Public Roads and Bridges of his precinct and to prescribe the powers and duties of the County Commissioners; to authorize and regulate the issuance and sale of bonds under this Act, and to provide other forms of indebtedness and for the levy of taxes for such purposes, and to allow the issuance of bonds for the purpose of funding or refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds and from the levy of taxes for road and bridge purposes; to designate and define certain cardinal roads in the county, to provide for the selection of a county engineer; and for the employment of a consulting engineer; to employ special counsel for the county; and to empower the Commissioners' Court to make such contracts with respect to the construction, maintenance, or repair of roads and bridges that may be necessary and to employ the convicts on said roads and to provide for the compensation of the Commissioners for the performance of their duties under the terms of this Act, and to prescribe penalties for the violation of this Act, and repealing all laws in conflict with the provisions hereof, and declaring an emergency."

The bill was read second time.

On motion of Senator Stuart, the committee report was adopted.

The bill was passed to engrossment.

#### S. B. No. 122 on Third Reading.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 122 put on its third reading and final passage by the following vote:

Yeas 23.

Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.

Turner.  
Watts.  
Witt.

Wood.  
Woods.

Absent—Excused.

Bailey.  
Dudley.  
Fairchild.  
Floyd.

Holbrook.  
Murphy.  
Parr.  
Wirtz.

The Chair then laid S. B. No. 122 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas 23.

Baugh.  
Bledsoe.  
Bowers.  
Burkett.  
Clark.  
Cousins.  
Darwin.  
Davis.  
Doyle.  
Lewis.  
McMillin.  
Pollard.

Rice.  
Ridgeway.  
Rogers.  
Strong.  
Stuart.  
Thomas.  
Turner.  
Watts.  
Witt.  
Wood.  
Woods.

Absent—Excused.

Bailey.  
Dudley.  
Fairchild.  
Floyd.

Holbrook.  
Murphy.  
Parr.  
Wirtz.

#### S. B. No. 126 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 126, A bill to be entitled 'An Act creating the Weimar Independent School District, in Colorado County, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes, prescribing the method of changing the boundaries of said district, providing that should any section or sections of this Act be by the courts declared unconstitutional, the validity of the remainder of this Act shall not be thereby affected; providing that the maintenance tax now being levied, assessed and collected in Common School Districts No. 14, by this Act created into Weimar Independent School District, shall not be abrogated, etc., and declaring an emergency.'

The bill was read second time, the committee report adopted, and the bill passed to engrossment.



**S. B. No. 126 on Third Reading.**

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 126 put on its third reading and final passage by the following vote:

**Yeas 26.**

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Pollard.	

**Absent—Excused.**

Bailey.	Holbrook.
Dudley.	Murphy.
Fairchild.	Parr.
Floyd.	Wirtz.

The Chair then laid S. B. No. 126 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas 23.**

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Pollard.	

**Absent—Excused.**

Bailey.	Holbrook.
Dudley.	Murphy.
Fairchild.	Parr.
Floyd.	Wirtz.

**S. B. No. 120 on Second Reading.**

The Chair laid before the Senate, as regular order, on second reading,

S. B. No. 120, A bill to be entitled "An Act authorizing cities having more than twenty-five thousand in-

habitants and owning and operating their own waterworks system to acquire by purchase, gift, device or by the exercise of the right of eminent domain through and by condemnation proceedings, the necessary lands and property, public or private, including riparian rights lying within any such city or outside any such city or in any county, in the State for the purpose of constructing reservoirs and for the purpose of the extension, construction, improvement and enlargement of the said waterworks systems including the construction of dams, wells, water supply reservoirs, water sheds and such other necessary appurtenances and facilities in order to furnish to any such city an adequate supply of wholesome water, defining the governing authorities, and prescribing the procedure in cases of the exercise of the right of eminent domain by condemnation, and providing for an emergency."

The bill was read second time.

Senator Rogers raised the point of order that the printed copies of the bill had not been on the members' desks for 24 hours.

The Chair sustained the point of order.

**Recess.**

On motion of Senator Wood, the Senate at 12 o'clock recessed until 3 o'clock p. m. today.

**Afternoon Session.**

The Senate was called to order at 3 p. m. by Lieutenant Governor T. W. Davidson.

**Messages from the Governor.**

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the Senate, and, being duly announced, presented the following messages from the Governor, which were read to the Senate, as follows:

**Governor's Office,**

Austin, Texas, January 22, 1923.

To the members of the Thirty-eighth Legislature:

A few days ago I indicated that a message would be sent to you disclosing fully the condition of the State Prison System, together with some recommendations from me. That message will be forthcoming in

the near future, but at this time it is necessary that I present to your immediate and preferred attention an emergency matter pertaining to the System.

About the first of January, 1922, the Prison System was confronted with a serious situation. The Thirty-seventh Legislature, during its First Called Session, as is usual and as required by the Constitution, made an appropriation of the proceeds of the Penitentiary System for the year ending August 31, 1922, and 1923, respectively, to be used for the maintenance of the institution for said years. Due to unfavorable crop returns and the harvest of 1921, at the beginning of the calendar year 1922 a deficit for support and maintenance of the institution existed in the approximate amount of \$200,000. It was estimated that for the actual support and maintenance of the institution until the 1922 crops should be harvested, additional expenditures of about \$80,000 per month would be necessary. Consequently, to meet the then existing deficit of \$200,000, and to finance the institution until the proceeds of the crops should be available, would involve making some kind of arrangement for approximately \$750,000.

For this unfortunate condition no one was responsible. The Legislature had made the usual appropriation of the crop proceeds calculated to be sufficient for the current needs of the System, but due to unforeseen crop failures there was no surplus, but in fact a deficit, after the harvest of 1921 and the appropriation of the 1922 crops could not be available until the fall of 1922.

The Board of Prison Commissioners and your Governor gave thoughtful consideration seeking the best means of relieving the situation.

The Constitution imposes on the Board of Prison Commissioners the duty of seeing that the system is maintained. Humanity and good morals impose the higher duty and obligation on the Board of Prison Commissioners, and on the Governor, to see that the employees are paid and that the inmates of the institution are fed and clothed. These obligations are absolute. The one thing that could not be done was to discontinue the operation and maintenance of the System. Three methods presented themselves to me as Governor:

First: The Governor may, on extraordinary occasions, convene the

Legislature. This might have been done for the specific purpose of submitting to the Legislature the question of appropriating money from any available funds, to defray the expenses of the Prison System.

Second: The Board of Prison Commissioners could have issued its vouchers to evidence indebtedness for labor performed, materials and supplies furnished, and for the conduct, support, and maintenance of the institution, which vouchers could have been held by the creditors or their assigns until said vouchers should be paid out of funds derived from the proceeds of the Prison System after the harvest of crops.

Third: The Attorney General advised the Governor and the Board of Prison Commissioners that the Board could legally contract for the advancing of funds to take up its vouchers legally issued for support and maintenance of the institution, and that it might pay interest for the use of said money, and that said obligations thus incurred would be binding.

At that time I considered these methods and mentally disposed of them in the order named.

I hesitated to involve the State in the expense of calling an extraordinary session of the Legislature, causing a probable outlay of approximately \$100,000. I felt, also, that it would be a burden to the great majority of the members of the Legislature to call them to Austin at the busy time of the year, if such could be reasonably avoided. The calling of the Legislature for this purpose would have entailed further delay and embarrassment in meeting the matured obligations of the System in providing for the actual food and clothing for the wards of the State. Other difficulties presented themselves, not one of the least of these was the depleted condition of the Treasury and its inability to provide funds to be immediately available for this purpose. This condition is now apparent.

If the second method named had been pursued it would have been necessary that the employees of the system and the tradesmen furnishing supplies sell their vouchers so as to realize cash, and of necessity would have been forced to take such discounts as the purchaser would impose. The small employee would thus be deprived of a large portion of his modest

income. The large merchant would decline to deliver his goods except at such an increase of price as would justify the discount. It is evident that if this method had been followed it would have resulted in the paying by the system of a great deal more in excess prices than a reasonable rate of interest on borrowed money.

The remaining method was to procure the funds from an outside source sufficient to take up and cash, for the various creditors, the vouchers issued and to be issued by the system for the current year. After mature deliberation, the Board of Prison Commissioners and the Governor decided upon this course.

For several weeks we made an effort to procure the necessary funds through the banks of the State. During all of this time the Board of Prison Commissioners and the Governor had the full co-operation of the State Department of Banking and the Attorney General and the several banks of the State, but it finally developed that the loan could not be procured from the banks at that time on account of the country's strained financial condition, which made a loan of this character ineligible for re-discount through regular banking channels.

On invitation, a proposition was submitted by the Brown-Crummer Investment Company of Wichita, Kansas, and Dallas, Texas, to furnish the funds necessary to meet the current needs of the Prison System to keep said funds available in the State Treasury sufficient to take up and pay off vouchers for actual support and maintenance of the Prison System as and when issued.

The Board of Prison Commissioners did not pay, nor did it obligate itself to pay, any expense whatsoever for the furnishing of said money other than the straight rate of interest at seven per cent. No commissions or fees were asked or paid.

When arrangements had been made for furnishing said funds, we placed every safeguard reasonably conceived around the funds so that they would be conserved and expended only for actual necessities of the institution. Not one dollar of these funds was expended until after vouchers had been approved by the Board of Prison Commissioners, after the several accounts had been duly audited, nor until the several vouchers had been examined and approved by the Governor

and filed with the Treasurer. The Treasurer was instructed not to pay any voucher until it had been especially approved by the Board of Prison Commissioners and by the Governor. And the State Treasurer has on file at this time a complete list of the vouchers covering the expenditures of every dollar of the whole amount furnished, to-wit, \$750,000, so that any tax payer in the State of Texas, and the people who furnished the money, can at all times point out specifically the supplies, the pay roll, the feed stuffs, etc., which were actually purchased by the Board of Prison Commissioners with the money thus procured.

I invite your inspection of each and all of the vouchers for which these funds were advanced. You may be assured that not one dollar of this money was used for other than those things essential for the sustenance and protection of our unfortunate wards.

As will be more fully set forth in my general message on the condition of the Prison System, the overflow and other unforeseen contingencies cut short our crops for the year 1922. Furthermore, the prison population has increased approximately 1200 during the past two years. At this time there is to the credit of the Prison System approximately \$95,000 in money and the System has on hand sugar and cotton undisposed of in the approximate amount of \$80,000. There have been issued and are in process of issuance vouchers for current expenses in the approximate amount of \$160,000, so it is evident that the Prison System is not in funds to meet the maturing obligations.

On February first, the loan of \$750,000 will mature. If it is not paid at that time, or if other arrangements have not been made by that time, the obligation will be in default. It was my intention to ask the Legislature to make an immediate emergency appropriation to liquidate the obligation. I hesitate to embarrass you with such a request now, due to the unfortunate present condition of the Treasury. We are confronted with a serious limitation as to time, still your body is so composed as to covet the performance of great tasks. Since you are in session, I feel that the Board of Prison Commissioners should not take any action in a matter of this magnitude without advising you as to conditions

and seeking your specific authority and approval.

It is not convenient to include in this message a complete transcript of the proceedings leading up to the consummation of the \$750,000 loan. I have submitted herewith not as a part of the message proper a complete transcript which may be used for such purposes as you see fit.

Under the circumstances, if it is deemed inadvisable, and I am forced to such conclusion, to make an emergency appropriation to pay off this loan, I believe that the State should negotiate another loan extending over a period of two years, with option of payment after one year, for a like sum of money, in order to have funds on hand to meet said notes when they mature. It is certainly to the best interest of the State that the funds be available on the first of February, because a default would be unfavorable in negotiating for the new loan.

May I go further and suggest that you authorize the Board of Prison Commissioners, or such other agency as you think proper, to make immediate arrangements, under such regulations and safeguards as you may deem wise, for the furnishing of said money, with the stipulation that it shall be available February first, 1923?

I feel that it is my highest duty to the State to submit to you this matter with the feeling that you will appreciate the situation and that we may co-operate in the matter of preserving the financial integrity of the Prison System as one of the institutions of the State.

Respectfully submitted,  
PAT M. NEFF, Governor.

On motion of Senator Lewis, the Governor's message, together with the transcript accompanying same, was referred to the Committee on Penitentiaries.

Governor's Office,  
Austin, Texas, Jan. 22, 1923.  
To the Senate of the Thirty-eighth Legislature:

I ask the advice, consent and confirmation of the Texas State Senate of the following appointment:

Clark M. Mullican, Lubbock, Texas, Judge of the Seventy-second Judicial District, to fill the unexpired term of W. R. Spencer, deceased.

Very sincerely,  
PAT M. NEFF,  
Governor.

The message was read and referred to the Committee on Nominations by the Governor.

#### S. B. No. 84 on Second Reading.

The Chair laid before the Senate, as regular order, on second reading,

S. B. No. 84. A bill to be entitled "An Act to amend Article 475 of the Penal Code of the State of Texas as amended by Chapter 91, Section 1, of the Acts of the Fourth Called Session of the Thirty-fifth Legislature, approved April 10, 1918, prohibiting the carrying of the pistol, dirk, dagger, slung-shot, sword cane, or knuckles made of any material of any hard substance, bowie knife, or any other knife manufactured or sold for purpose of offense or defense, prescribing a punishment therefor; making exceptions thereto in favor of certain officers; and declaring an emergency."

The bill was read second time.

Senator Rogers raised the point of order that the printed bill had not been on the members' desks for 24 hours.

The Chair sustained the point of order.

#### Invitation Accepted.

Senator Clark had read the following invitation:

Austin, Texas, Jan. 17, 1923.  
Hon. T. W. Davidson, Lieutenant Governor, Senate Chamber.

Dear Lieutenant Governor Davidson: The Scottish Rite Educational Association of Texas will be pleased to have as visitors between five and eight p. m., and as guests for dinner at six p. m. on Tuesday, January 23, 1923, at the Scottish Rite Dormitory (Twenty-seventh Street, Austin), the presiding officers and members of the Thirty-eighth Legislature and their wives.

I shall be glad if you will convey this invitation to the members of the Senate with the request that they communicate to Mrs. J. Ed Kauffman, Director of the Dormitory, their acceptance or regrets.

Cordially yours,  
JAMES W. MCLENDON,  
First Vice President.

The invitation was accepted.

The Chair appointed Senator Rogers as a committee of one to make the necessary arrangements on the part of the Senate.

**S. B. No. 31 on Engrossment.**

Senator Davis called up S. B. No. 31, allowing cities to condemn property for improvements, which was read second time on January 18, and laid on the table subject to call.

The Chair laid the bill before the Senate on its passage to engrossment.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 31, line 15, page 1, by striking out the figures 25,000 and inserting in lieu thereof the figures 1,000.

The amendment was adopted.

Senator Davis offered the following amendments to the bill:

By changing the letter "k" in "mak," page 1, line 16, to "y" so as to make word "mak" to may.

In page 6, line 6, by striking out word "be."

Page 7, line 13, by changing word "is" to word "it."

By amending caption, line 7, page 1, changing figures 25,000 to 1,000.

The amendments were adopted.

The bill was passed to engrossment.

**S. B. No. 31 on Third Reading.**

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 put on its third reading and final passage by the following vote:

**Yeas 23.**

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Pollard.	

**Absent—Excused.**

Bailey.	Holbrook.
Dudley.	Murphy.
Fairchild.	Parr.
Floyd.	Wirtz.

The Chair then laid S. B. No. 31 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas 21.**

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Pollard.	

**Present—Not Voting.**

Burkett.

**Absent.**

Watts.

**Absent—Excused.**

Bailey.	Holbrook.
Dudley.	Murphy.
Fairchild.	Parr.
Floyd.	Wirtz.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 11, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Statutes of the State of Texas, relating to the writ for the apprehension of the persons who are lunatics or non compos mentis and their detention; prohibiting the incarceration of such persons in county jails in counties where city or county hospitals exist; providing that they shall be detained in such county or city hospitals, and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to amend Article 121, Chapter 1, Title 123, of the Revised Statutes of Texas of 1911, so as to provide that every person elected to the office of sheriff shall give bond to be approved by the commissioners' court for such sum as may be directed by such court not less than \$5,000 nor more than \$30,000, payable to the Governor and his successors in office, conditioned that he will

account for and pay over to the persons authorized by law to receive same, all fines, forfeitures and penalties that he may collect for the use of the State or any county, and that he will well and truly execute and due return make of all process and precepts to him lawfully directed and pay over all sums of money collected by him by virtue of any such process or precepts to the persons to whom the same are due or their lawful attorney, and that he will faithfully perform all duties as may be required of him by law, and conditioned that he will pay over to his county all moneys illegally paid to him out of county funds as voluntary payments or otherwise, and providing that said sheriff shall also take the oath of office prescribed by the Constitution, and providing what shall be done with said bond, and providing that said bond shall not be void on first recovery, and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act to amend Article 1747, Chapter 2, Title 35, of the Revised Statutes of Texas of 1911, so as to provide that the county clerk shall execute a bond in a sum to be fixed by the commissioners' court not less than \$2000 nor more than \$10,000, conditioned for the safe-keeping of the records, and the faithful discharge of the duties of his office, and further conditioned that he will pay over to his county all moneys illegally paid to him out of county funds as voluntary payments or otherwise, and providing that said clerk shall take the oath of office prescribed by the Constitution and that said bond and oath shall be recorded in the county clerk's office and deposited in the office of the district clerk; and providing that a certified copy of such bond may be put in suit in the name of the Governor for the use of the party injured, and shall not become void on the recovery of part of the penalty thereof but may be sued on from time to time by parties injured, until the whole amount of the penalty is recovered, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act providing for the return of pension warrants where the pensioner dies during the quarter for which the warrant was issued the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner; fixing the amount thereof, and de-

claring an emergency," with engrossed rider.

H. B. No. 98, A bill to be entitled "An Act to amend Article 17, Chapter 11, of the Penal Code of the State of Texas, by adding thereto Article 1355-a, relating to theft of chickens, turkeys, guineas, geese, peafowls and pigeons, so as to fix the punishment thereof at confinement in the penitentiary for not less than one nor more than five years," with engrossed rider.

H. B. No. 107, A bill to be entitled "An Act to amend Section 1 of Chapter 101, General Laws passed at the Regular Session of the Thirty-third Legislature, making it an offense for any husband to wilfully, or without justification, desert, neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any parent who shall wilfully desert, neglect or refuse to provide for the support and maintenance of his or her child or children under the age of sixteen years in destitute or necessitous circumstances; prescribing the penalty therefor, and declaring an emergency," with engrossed rider.

H. B. No. 146, A bill to be entitled "An Act to amend Article 6319, Sections 1, 2, 3, 4 and 5, Chapter 3, Title 107, General Laws of Texas, Acts of the Thirty-sixth Legislature, Fourth Called Session, 1920, substituting said sections and adding new sections; creating pilot boards in navigation districts containing cities of 100,000 population or more, and owning, operating or controlling docks, wharves or other facilities for utilizing navigable streams therein; giving exclusive jurisdiction to such navigation districts over pilotage of vessels between the Gulf of Mexico and their respective ports; power of navigation and canal commissions constituting such pilot boards to appoint branch pilots, suspend or dismiss branch pilots or deputies, and to adopt such rules and regulations for such; providing for bonds of branch pilots and issuance of commissions to them by the Governor; providing reasonable rates for pilotage; defining duties rights and privileges of branch pilots, and the responsibilities of vessels and consignees to them; disqualifying persons for membership on pilot boards who are interested in any business affected by such position; repealing all laws and parts of laws in conflict with this Act to the extent of such

conflict, and declaring an emergency."

H. C. R. No. 6, A concurrent resolution "Relating to the appointment of a joint committee to investigate the necessity of each State Department and the number of persons employed therein."

H. B. No. 17, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor, an adequate topographic and hydraulic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable, advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this Act, and declaring an emergency," with engrossed rider.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor T. W. Davidson, had referred, after their captions had been read, the following House bills:

H. B. No. 11, To the Committee on Criminal Jurisprudence.

H. B. No. 78, To the Committee on Civil Jurisprudence.

H. B. No. 79, To the Committee on Civil Jurisprudence.

H. B. No. 89, To the Committee on Civil Jurisprudence.

H. B. No. 98, To the Committee on Criminal Jurisprudence.

H. B. No. 107, To the Committee on Criminal Jurisprudence.

H. B. No. 146, To the Committee on Town and City Corporations.

H. B. No. 17, To the Committee on Mining and Irrigation.

#### Adjournment.

On motion of Senator Wood, the Senate at 3:40 p. m. adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### Committee Reports.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 53, A bill to be entitled "An Act creating the Freeport Independent School District in Brazoria County, Texas; defining its boundaries, including the present Freeport Independent School District; providing for a board of trustees in said District, conferring upon said District and its board of trustees, all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and boards of trustees thereof, providing that the present board of trustees continue in office until the expiration of their respective terms, providing that the board of trustees of said District may levy, assess and collect taxes for the year 1923, and for future years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 157, A bill to be entitled "An Act creating the Rankin Independent School District in Upton County, Texas, enlarging and defining its boundaries. Including the present Rankin County Independent School District, providing for a Board of Trustees in said district, conferring upon said district and its Board of Trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon Independent School Districts, and the Board of Trustees thereof; providing that the present Board of Trustees continue in office until the expiration of their respective terms; providing for the validation of the maintenance tax and bonds heretofore voted in said district; providing that the outstand-

ing bonded indebtedness of said district shall remain in full force, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections have had up for consideration

S. B. No. 136, A bill to be entitled "An Act amending Article 2939 of Chapter 4, Title 49, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 5 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, as amended by the General Laws of the Thirty-seventh Legislature, Regular Session, Chapter 113, and approved by the Governor on the 12th day of March, A. D. 1921, regulating elections, providing certain qualifications for voters and providing for absentee voting in order that voters may vote who are absent from the State, and declaring an emergency."

Beg to report that we recommend that all after the enacting clause be stricken out and the following substituted in lieu thereof:

Section 1. That Article 2939 of Chapter 4, Title 49, of the Revised Civil Statutes of 1911, as amended as shown in the caption of this Act, be and the same is hereby amended so as to read as follows:

Article 2939-(a). Every person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he or she offers to vote, shall be deemed a qualified elector, provided that the electors living in an unorganized county may vote at an election precinct in the county to which such county is attached for judicial purposes; and provided, further that any

voter who is subject to pay a poll tax under the laws of the State of Texas or ordinances of any city or town in this State, shall have paid said tax before offering to vote at any election in this State, and holds a receipt showing that said poll tax was paid before the first day of February next preceding such election; and, if said voter is exempt from paying a poll tax and resides in a city of ten thousand inhabitants or more, he or she must procure a certificate showing his or her exemption, as required by this Title.

(b) Or, if such voter shall have lost or misplaced said tax receipt, he or she shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax was paid by him or her, or by his wife or by her husband before said first day of February next preceding such election at which he or she offers to vote, and that said receipt has been lost, or misplaced. Such affidavit shall be made in writing and left with the judge of the election. Provided, that in any election held only in a subdivision of a county for the purpose of determining any local question or proposition affecting only such subdivision of the county, then in addition to the foregoing qualifications, the voter must have resided in said sub-division of the county for six months next preceding such election.

(c) Any qualified elector, as defined by the statutes of this State, who expects to be absent from the county of his or her residence on the day of the election may vote subject to the following conditions, to-wit: At some time not more than ten days nor less than three days prior to the date of such election such elector shall make his or her personal appearance before the County Clerk of his or her residence, and if personally unknown to such clerk, shall be identified by at least two reputable citizens of such county, and shall deliver to such clerk his or her poll tax receipt, or exemption certificate, entitling him or her to vote at such election, and said clerk shall deliver to such elector one ballot which has been prepared in accordance with the law for use in such election, which shall then and there be marked by said elector apart and without the assistance or suggestion of any other person, in



such manner as said elector shall desire same to be voted, which ballot shall be folded and placed in a sealed envelope and delivered to said clerk who shall keep the same so sealed, and who shall also keep said poll tax receipt or certificate open to the inspection of any person who may wish to examine or see same until the second day prior to said election, and said clerk shall on said second day place the said poll tax receipt or certificate, together with the said sealed envelope containing said marked ballot, in another envelope which shall be by said clerk then mailed to the presiding judge of the voting precinct in which said elector lives.

(d) Or at sometime not more than twenty days nor less than ten days prior to the date of such election, such elector shall make his or her personal appearance before a notary public, and if personally unknown to such notary public, shall be identified by at least two reputable citizens of this State, and shall deliver to such notary public his poll tax receipt or exemption certificate, entitling said elector to vote at such election, or if such elector shall have lost or misplaced his or her poll tax receipt, he or she shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such poll tax was actually paid by him or her before said first day of February next preceding such election at which he or she offers to vote and that said receipt had been lost, or misplaced and in such case the affidavit so made shall be sent by the officer administering the oath to the County Clerk of the county in which said elector resides. It shall then be the duty of such County Clerk receiving the affidavit to verify same by examining the poll tax records of the county wherein said elector resides.

(e) And said notary public shall mail same to the County Clerk of the county of residence of such elector so named, and upon receipt of the poll tax receipt or exemption certificate, the County Clerk shall mail to such elector one ballot which has been prepared in accordance with the law for use in such election under registered letter marked "Official ballot for such elector (giving elector's name) not to be opened except in the presence of a notary public," printed on outside of letter.

Such elector shall make oath before such notary public that such ballot was then and there marked by said elector apart and without assistance or suggestion of any other person, in such manner as said elector shall desire same to be voted, which ballot shall be folded and placed in a sealed envelope together with such affidavit which shall be marked on the outside of said envelope "Official ballot of such elector (giving elector's name) and mailed by such notary public to County Clerk of the county wherein said elector votes, who shall keep so sealed, and who shall also keep said poll tax receipt or certificate open to the inspection of any person who may wish to examine or see same until the second day prior to said election, and said clerk shall on said day place the said poll tax receipt or certificate together with the said sealed envelope containing said marked ballot in another envelope which shall be by said clerk then mailed to the presiding judge of the voting precinct in which said elector lives. The postage for the entire correspondence herein made necessary to be provided by said elector.

(f) In the presence of the election officers provided by law, and on the day of such election and between the hours of two and three o'clock the said presiding judge of same in the precinct of the residence of said elector shall open the envelope containing said poll tax receipts and marked ballots and publicly announce that the ballot of such named elector is proposed to be cast, at which time any person who desires to challenge said vote and the right of same to be cast, shall be heard to present such challenge, and if there be no challenge of same, said vote shall be cast and counted according to the law; and if there be any challenge of such vote legal cause for same shall be heard and decided according to the law provided in the case of challenge; and in case no challenge is made, such poll tax receipt, after same is marked "Voted" as provided by law, shall be mailed to the said County Clerk. But in case of challenge, if challenged, such poll tax receipt, together with affidavits relating thereto shall be mailed by said judge of election to the County Clerk of such county who shall keep same for thirty days and if no demand be

made for the production of same before anybody or person in authority within said time, said County Clerk shall deliver such receipt to the owner thereof. When voted the judge of election shall mark opposite the name of such absentee voter the word "Absentee."

(g) If any person wishing to vote as an absentee voter shall violate any of the provisions of this law, or shall vote or offer to vote illegally or in any case or at any place where he is not entitled to vote, or who shall make false representation in any effort to vote, or who shall attempt to vote on any poll tax receipt issued to any person other than himself, shall be deemed guilty of a violation of the law and upon conviction shall be punished by fine not more than one thousand dollars or by imprisonment in the county jail not more than two years or by both fine and imprisonment.

(h) The provisions of this Act providing for absentee voting or casting ballots shall apply to any and all elections including general, special and primary elections.

Section 2. The importance of this Act to the people and the amount of legislative work that will be on the calendar for this session rendering the passage of important Acts and legislation doubtful, creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

And I am instructed to report the same back to the Senate with the recommendation that it do pass as amended.

Respectfully submitted.

DAVIS, Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 112, A bill to be entitled "An Act to amend Article 2939, Chapter 4, Title 49, Revised Statutes of Texas of 1911, and as amended by Chapter 40, of the First Called Session of the Thirty-fifth Legislature to regulate elections, and prescribing cer-

tain qualifications of voters, by making same conform to absentee voting as provided for in the recent amendment to the State Constitution, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

DAVIS, Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We your Committee on Insurance and Banking, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to amend Section 5 of Chapter 10, Senate Bill No. 6, as passed by the Twenty-ninth Legislature of the State of Texas in 1905, being Articles 375 of Title 14, Vernon's Sayles' Revised Statutes of the State of Texas, providing for the amount of capital stock of State banks or State bank and trust companies that may be hereafter organized under Title 14, of the Revised Statutes of the State of Texas, or under the General Laws of the State of Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Beg leave to report the said bill to the Senate with the recommendation that it do pass.

ROGERS, Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 106, A bill to be entitled "An Act to repeal Article 473 of the Revised Statutes of Texas, being a part of Section 9, Chapter 15 of the General Laws of the State of Texas, passed by the Thirty-first Legislature at its Regular Session in 1909, and being Senate Bill No. 4, said Article 473 being that portion of Section 9, Chapter 15 of the General Laws of the State of Texas passed by the Thirty-first Legislature at its Regular Session in 1909, reading as follows: 'Whenever any such State bank of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may at any time apply to

the District Court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business, to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss such application or enjoin the Commissioner from further proceedings and direct him to surrender such business and property to such State bank, and declaring an emergency."

Beg leave to report the said bill to the Senate with the recommendation that it do pass.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 104, A bill to be entitled "An Act providing that State banks, or State bank and trust companies, organized under the General Laws of the State of Texas, desiring to convert to any other system of banking, shall give notice to the public by advertisement in a newspaper of such change. Providing, also, that such bank or trust company shall notify the Banking Commissioner of Texas, in writing of such change not less than 30 days before such conversion shall be made; providing that no funds that have been deposited in a State bank and trust company in this State shall be protected by the Guaranty Fund of this State or by the Bond Security Law of this State after such corporation shall have been converted to some other system of banking; prohibiting a State Bank or State bank and trust company organized and doing business under the General Laws of the State of Texas from investing more than fifty per cent of its capital stock and surplus in its banking house, nor more than fifteen per cent of its capital stock and surplus in the furniture and fixtures to be contained in its banking house, without first obtaining the written permission of the State Banking Board of the State of Texas; prohibiting officers of State bank and trust companies organized

under the General Laws of the State of Texas from engaging in fraudulent or speculative business enterprises reasonably calculated to bring discredit upon such bank or bank and trust company giving the Banking Commissioner of Texas power to remove officers guilty of such practices and to enforce his order of removal by closing and liquidating any bank or bank and trust company so offending; prohibiting State banks or State bank and trust companies organized under Title 14, Vernon's Sayles' Revised Statutes of the State of Texas, 1914, and amendments thereto from issuing non-interest bearing certificates of deposits, and providing that no interest-bearing certificates of deposit shall not be protected by the Guaranty Fund Law or the Bond Security Plan of the State Banks of Texas. Repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Beg leave to report the said bill back to the Senate with the recommendation that it do pass with the following amendment: amending the bill by striking out the words 'Vernon's Sayles' Revised Statutes of the State of Texas wherever it may appear, both in the caption and body of the bill, and write in lieu thereof the following; Revised Civil Statutes of 1911, and amendments thereof.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred,

S. B. No. 107, A bill to be entitled "An Act providing for the appointment of the Banking Commissioner of Texas, fixing his term of office, official name, compensation and prescribing his qualifications and duties; providing for a seal of office; requiring of the Banking Commissioner of Texas an oath of office and a bond, for the faithful discharge of his duties, providing for the appointment of a Deputy Commissioner of Banking, defining his duties, fixing his compensation, providing clerical help for such department; providing for the appointment of State Bank Examiners; fixing their number, salaries and duties; providing for the number of examinations that shall be made by State Examiners of State banks, fixing the fees they

shall be paid for such examinations and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner, prescribing his duties and fixing his compensation; providing for the appointment of a General Liquidating Agent, prescribing his duties and fixing his compensation; amending Chapter 10, General Laws of Texas, passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate Bill No. 6, and amending Section 38 of said Chapter 10; amending Chapter 205, General Laws of the Thirty-fifth Legislature, passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature passed in 1909, being Senate Bill No. 4; amending Articles 518, 519, 521, Vernon's Sayles' Revised Statutes of the State of Texas as amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate Bill No. 4, and Article 521a, Vernon's Sayles' Revised Statutes of the State of Texas, as amended by Chapter 205, Section 7, Acts of the Thirty-fifth Legislature at its Regular Session in 1917; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Beg leave to report the said bill back to the Senate with the recommendation that it do pass with the following amendment: amending the bill by striking out the words Vernon's Sayles' Revised Statutes of the State of Texas wherever it may appear, both in the body and caption of the bill, and write in lieu thereof the following: Revised Statutes of 1911, and amendments thereof.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 109, A bill to be entitled "An Act to amend Section 31 of Chapter 15, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature of the State of Texas, passed at its Second Called Session in 1909, and being Articles No. 515, Vernon's Sayles' Revised Statutes of the State

of Texas, and Article 522 of the Penal Code of the State of Texas, providing that all State banks or State bank and trust companies provided for in said Act shall have the right to use any truthful method of advertising; prohibiting the use of any untruthful statements of advertising as to the guaranty fund system of the State banks of Texas, or the bond security plan of the State banks of Texas; empowering the Banking Commissioner to enforce this law, fixing penalties for its violation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Beg leave to report the said bill to the Senate with the recommendation that it do pass with the following amendments: amending the bill by striking out the words Vernon's Sayles' Revised Statutes of the State of Texas wherever it may appear, both in the caption and body of the bill, and write in lieu thereof the following: Civil Statutes of 1911, and amendments thereof.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 108, A bill to be entitled "An Act to amend Section 10 of Chapter 15, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature of the State of Texas, passed at its Second Called Session in 1909, being Article No. 486, Vernon Sayles' Revised Statutes of the State of Texas; providing that the Banking Commissioner of Texas may take possession of any bank or trust company under the provisions of the bank deposit guaranty law of the State of Texas, and providing that the depositors of said bank or trust company in Article 448, Vernon's Sayles' Revised Statutes of the State of Texas shall be paid in full out of the cash in said bank or bank and trust company that can be made immediately available from such bank and the remainder shall be paid out of the depositors' guaranty fund through the said board in the event the cash available in said institution shall be insufficient and providing that only non-interest bearing and unsecured deposits shall be protected under the guaranty funds; providing that no deposit of

public funds shall be protected under the guaranty fund or the bond security plan that cashiers checks, bank drafts, or exchange issued by State banks or State bank and trust companies shall not be protected under the guaranty fund or the bond security plan and providing that no unmatured interest-bearing certificates of deposit or any other kind of interest-bearing deposit that shall have been changed to a non-interest bearing and unsecured deposit within ninety days prior to the closing of State banks by the Banking Commissioner of Texas shall be protected by the guaranty fund and that no deposit made by a creditor for the purpose of converting a loan against a debtor bank into a non-interest bearing and unsecured deposit shall be protected by the guaranty fund, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Beg leave to report the said bill to the Senate with the recommendation that it do pass with the following amendment: amending the bill by striking out the words Vernon's Sayles' Revised Statutes of the State of Texas wherever it may appear, both in the caption and body of the bill, and write in lieu thereof the following: Revised Statutes of 1911, and amendments thereof.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 22, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee, on Insurance and Banking, to whom was referred

S. B. No. 105, A bill to be entitled "An Act to amend Section 2 of Chapter 15 of the General Laws of the State of Texas, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature, passed at its Second Called Session in 1909, and being Article No. 446, Vernon's Sayles' Revised Statutes of the State of Texas, providing for the creation of a State Banking Board, fixing the number of members thereof, and defining the duties and powers of said board, and declaring an emergency."

Beg leave to report the said bill to the Senate with the recommendation that it do pass with the following amendment: amending the bill by striking out the words Vernon's Sayles' Revised Statutes of the State

of Texas wherever it may appear, both in the caption and body of the bill, and write in lieu thereof, the following: Revised Civil Statutes of 1911, and amendments thereof.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, Jan. 19, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 77, A bill to be entitled, "An Act to amend Article 2239, Chapter 1, Title 40 of the Revised Statutes of Texas of 1911, so as to provide that the County Judge and each Commissioner shall take the oath of office prescribed by the Constitution, and shall also take an oath that he will not be directly or indirectly interested in any contract with, or claim against, the county in which he resides, except such warrants as may issue to him as fees of office, and providing that said oath shall be in writing and filed and recorded in the office of the County Clerk; and providing that each Commissioner shall execute a bond with two or more sureties to be approved by the Judge of the County Court in the sum of \$3,000.00, payable to the Treasurer of his county, conditioned for the faithful performance of the duties of his office, and further conditioned that said Commissioner will pay over to his county all moneys illegally paid to him out of the county funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 49, A bill to be entitled "An Act to amend Chapter 3 of Title 118, Registration of the Revised Civil Statutes of the State of Texas of 1911 by adding thereto Articles 6840a and 6840b providing for the filing with the

county clerk as the recorder of notices or statements of all liens and claims and releases thereof, in favor of the Government of the United States or any department or bureau thereof, providing how such notices or statements shall be filed, recorded and indexed, how said clerks shall be compensated for said services, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, for the reason that Senate Bill No. 23, which is the same as this bill, has been reported favorably by this Committee and printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to amend Article 1732, Chapter 1, Title 35 of the Revised Statutes of Texas of 1911, so as to provide that a county judge, before entering on the duties of his office, shall execute a bond of not less than \$1,000.00 nor more than \$10,000.00, conditioned that he will pay over to the person or officer entitled to receive it, all moneys that may come into his hands as county judge, and that he will pay over to his county all moneys illegally paid to him out of county funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out county funds except for lawful purposes, and take the oath of office prescribed in the Constitution, and the further oath required of the several members of the Commissioners' Court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to provide an old age pension system for resident citizens over the

age of seventy years; providing for the administration of the system through the County Commissioners' Court of the various counties in the State and requiring the payment of the old age pension and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for a pension under the Act and permitting the discontinuance of the pension on conviction of an offense or upon evidence of a changed status of the pensioner; and fixing the punishment of any applicant or other person violating any of the provisions of the Act, defining certain terms used in the Act, and identifying the measure as the Old Age Pension Act of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, January 19, 1922.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 138, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants, the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employees and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, January 19, 1922.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 138,

have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

BLEDSON,  
LEWIS.

Senate Chamber,  
Austin Texas, Jan. 22, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 72 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 19, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 11 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 22, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 126 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 22, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 99 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 22, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 28, and find the same correctly enrolled and have this day at 11 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 16, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Concurrent Resolution

No. 6 and find the same correctly enrolled and have this day at 3 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, Jan. 22, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Concurrent Resolution No. 8, and find the same correctly enrolled and have this day at 11 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, January 18, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Bill No. 69, and find the same correctly enrolled and have this day at 2:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, January 16, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 9, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, January 16, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 1, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, January 16, 1923.  
Hon. T. W. Davidson, President of the Senate:

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 2, and find the same correctly enrolled and have this day at 3 o'clock p. m.

presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,

Austin, Texas, January 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 3, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,

Austin, Texas, January 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 5, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

#### ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, January 23, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

nensed with on motion of Senator Watts.

See Appendix for Committee Reports and Petitions.

#### S. B. No. 174 Withdrawn.

Senator Rogers, by unanimous consent withdrew S. B. No. 174 from further consideration of the Senate.

#### Bills Re-referred.

Senate Bills Nos. 161 and 162, heretofore referred to the Committee on Civil Jurisprudence, were re-referred to that Committee on motion of Senator Burkett.

#### Bills and Resolutions.

By Senator Davis:

S. B. No. 175, A bill to be entitled "An Act, repealing that part of Section 2 of the Act contained in Chapter 99, of the legally published General Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, relating to exceptions to and exemptions from the Anti-pass Law, which is in the language, 'provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroads, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor,' and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 176, A bill to be entitled "An Act changing the name of the State Normal Colleges of this State; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Doyle:

S. B. No. 177, A bill to be entitled "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas; and creating a commission for that purpose, and providing for their report of such revision to the Governor, and for their compensation."

Read first time and referred to Committee on Civil Jurisprudence.